

Responses to August 3, 2007, ESQ Article

Comments: Proposed Revision of MO.RPC Rule 4-1.2(c) ... limited representation. Will the proposed rule apply in criminal cases where the defendant has knowingly and voluntarily waived the right to counsel under Rules 31.01? If so, will there then be such a thing as ineffective (limited) assistance of counsel action available under Rules 24.035 and 29.15?

Name: Dan Gralike
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Comments: I am opposed to the proposed Rule 25. I would like an opportunity to address my concerns and this may not be the most suitable forum. Please advise how and where I can express my concerns. Thank you.

Name: Scott Hamblin
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Comments: I would like more information on rule 25. Thank you.

Name: Scott Hamblin
Email: scotthamblin@brydonlaw.com

Comments: I support the right of litigants to act pro se in court, be it in family law cases or otherwise. I support the proposed pro se litigation rules. CARL KRAFT

Name: Carl Kraft
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Comment Regarding the proposed change to Rule 55.03: I realized from the other proposed rule changes that the Rule 55.03 rule change is designed for the situation where a party proceeds either pro se or mostly pro se with limited help from an attorney. My concern is with the application in a different context. My practice is plaintiff personal injury litigation. I am sometimes approached by a prospective client whose statute of limitations is about to expire. I may be interested in the case but am unable to investigate the matter before the limitations period runs. Or I may decide that I am not interested in the case, but that the case has sufficient possible merit that the interests of justice would be best served by helping the client preserve their claim while they sought out other counsel. On those limited occasions, I will prepare a short pro se petition for the client to file. They are told that the petition is based solely upon the facts which they orally presented to me, and that I am not undertaking representation. The filing fee is not advanced, and the client must file the petition on their own. I have observed this procedure being used by various other plaintiffs' attorneys across the state. I do not believe that this is the situation contemplated by the proposed changes to Rule 55.03, but it may very well come within the scope of the new language. If plaintiffs' lawyers had to place their name upon the pro se petition when there had not been time to investigate the facts before the statute of limitations runs, this would discourage this practice which I think is useful to the clients. For this reason, I object to the proposed change to Rule 55.03 as currently suggested.

Name: Glenn R Gulick Jr
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Comments: I suggest 4-1.2 (c) be retained in its present form and the proposed rule be numbered 4-1.2(f) and be labeled a rule applicable to pro se clients. Subsection (c) as written, is useful in defining representations where, usually because of lack of funding, a client is willing to accept limited representation. As proposed, it would appear no longer available as it has been.

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